

## City Planning Department



## Memo

To: Cranston City Plan Commission  
From: Doug McLean, AICP – Principal Planner / Administrative Officer  
Date: December 3, 2021  
Re: **Dimensional Variance Application at 1365 New London Avenue**

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**Owner/App:** Edward Pelli / Universal Realty, LLC  
**Location:** 1365 New London Avenue, AP 18, Lot 1026  
**Zone:** A-8 (Single-Family Dwellings on 8,000 ft<sup>2</sup> Lots)  
**FLU:** Single-Family Residential 7.26 to 3.64 Units/Acre

### VARIANCE REQUESTS:

1. To subdivide a property resulting a new lot (Parcel B) that will have approximately 50 feet of frontage whereas 80 feet is required in an A-8 Zone. [Section 17.20.120– Schedule of Intensity Regulations]
2. To subdivide a property in which a new lot line would be created that will, eventually, become a front property line based on a planned extension of a public right-of-way at this location. The existing single-family dwelling and in-ground pool on the subject property (Parcel A) will be located within the front yard setback of 25 feet once the planned right-of-way is created. In this case, the applicant is seeking relief for a condition that does not currently exist, and is requesting this relief in preparation for a future proposal to create a public right-of-way. Granting such relief at this juncture does not replace the requirement for the applicant to propose and design the public-right-of-way consistent with all City standards and approval processes. [Section 17.20.120 – Schedule of Intensity; Section 17.60.010 – Accessory Uses]

**NEIGHBORHOOD AERIAL**  
**(subject parcel in orange, 400 ft. radius in black)**



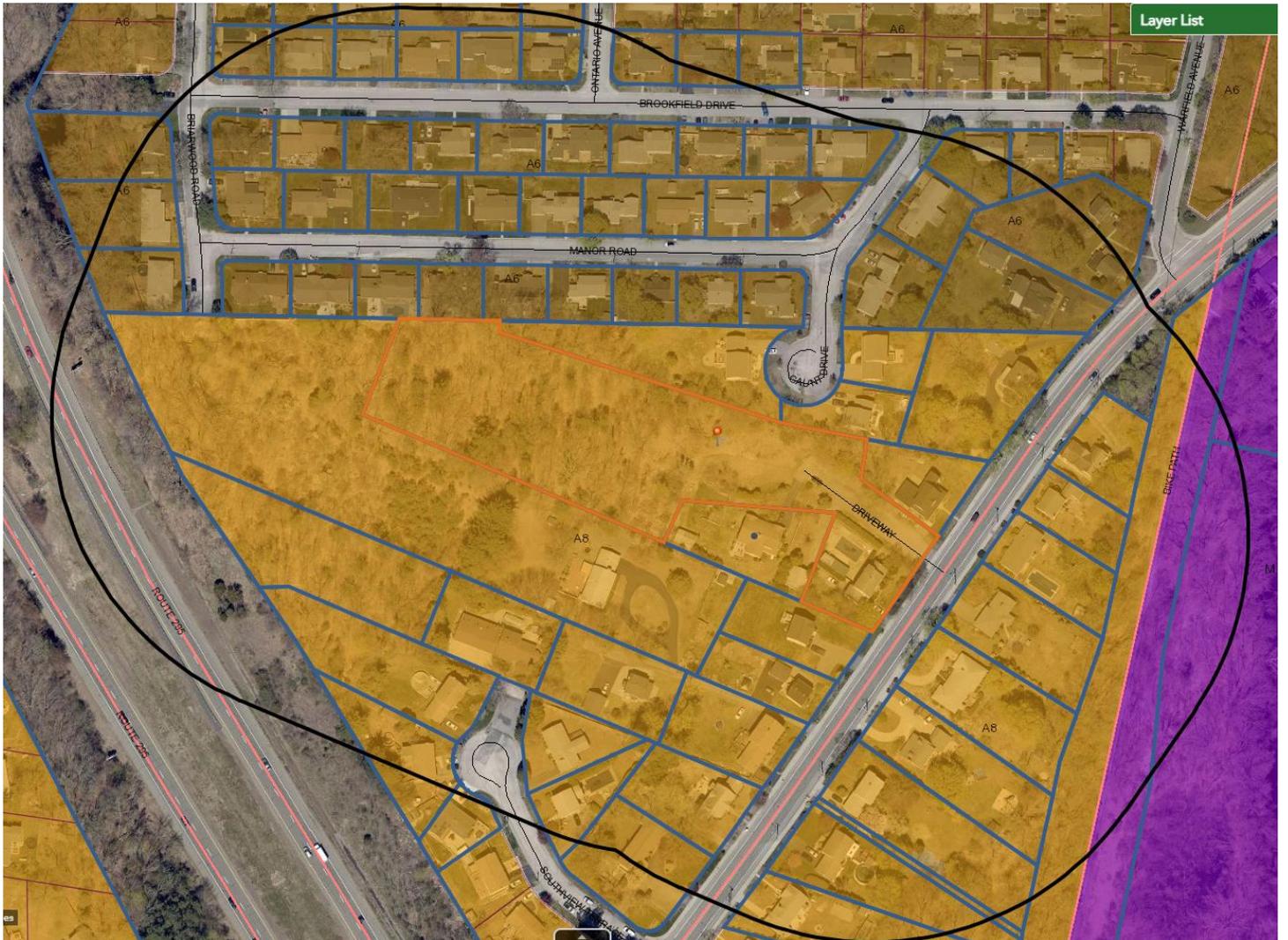
**PARCEL AERIAL**



## STREET VIEW (New London Ave)



# ZONING MAP



# FUTURE LAND USE MAP





## FINDINGS OF FACT:

1. The applicant proposes to subdivide an existing lot comprising 124,488 ft<sup>2</sup> into two lots; Parcel A (16,782 ft<sup>2</sup>) and Parcel B (107,706 ft<sup>2</sup>). There is one (1) existing single-family dwelling on the property that will be left on Parcel A.
2. The subject parcels are zoned A-8. The surrounding single-family residential neighborhood (400-foot radius) is primarily comprised of A-8 and A-6 zoned parcels. All aspects of the proposed lot sizes will be conforming to the required A-8 standards for minimum lot size.
3. This subdivision requires relief for lot frontage (Parcel B), and a setback encroachment for the existing dwelling and existing in-ground pool (Parcel A).
4. No new development or housing units are being proposed as part of this subdivision. The subdivision and associated variance are simply intended to separate the existing single-family dwelling on its own lot.
5. The variance for the dwelling unit and pool being within the front setback on Parcel A contains a unique element in that the applicant is requesting relief for a planned future condition, not from a current condition. This setback relief is being requested in anticipation of an impending request to extend a public right-of-way at this location. An applicant is allowed to seek more relief than necessary, therefore it is appropriate for the applicant to seek relief from a condition is anticipated but does not currently exist.
6. In a similar manner, the relief being sought for substandard lot frontage on Parcel B will be a temporary condition that will be made conforming once the public right-of-way is extended through this frontage area. With specific regard to the setback variance, staff find this relief is appropriate as it does not constrain the lot's development and is anticipated to be a temporary condition.
7. With regard to the setback variance for the house and pool, on Parcel A staff offers the following considerations:
  - a. The house will be 19.5 feet from the new property line and the pool will be 18.5 feet from the new property line. The required standard is 25 feet so staff finds that the quantitative amount of relief compared to the minimum standard is not concerning.
  - b. Once the property becomes a corner lot with 2 frontages, the property will not have the benefit of a typical size backyard because it will become a corner lot subject to 2 front yard setbacks. The unique circumstance of this property becoming a corner lot creates a difficult situation regarding locating the primary dwelling and customary accessory uses (such as a pool) in conformance with the required front setbacks.
  - c. Section 17.60.010 "Accessory Uses" of the zoning code establishes specific setbacks for pools and decks in an A-8 zone (5' for rear setback and 5' for side setback). This section of code does NOT provide a specific setback for pool in a front yard, thus the required front yard setback for a pool and deck is the same as the required setback for a building (25').
  - d. The area where the dwelling and pool are located is surrounded by a 10+ foot vegetative screen (bushes) between the existing structure and the future public

right-of-way. The views of the existing dwelling and pool from the proposed public right-of-way will be screened by the existing bushes.

- e. The fact that this property contains an in-ground pool (as opposed to an above ground pool), along with the fact that there is a 10+ foot vegetative screen surrounding the proposed pool, combines to create an effective visual mitigation strategy to provide privacy from abutting neighbors and proposed public right-of-way.
- f. Staff reviewed the Cranston Comprehensive Plan for policies relating to houses and swimming pools in the specific circumstance of a corner lot. There are no specific relatable policies. Staff did identify a limited number of policies relating to community character and visual impacts within residential neighborhoods that provide some direction with regard to the subject application:
  - i. Land Use Element; Principle 4 (page 34): “Protect and stabilize existing residential neighborhoods by basing land use decisions on neighborhood needs and quality of life. Protect the natural, historic and visual resources that define the neighborhoods. In addition, support the existing residential development patterns in order to stabilize the residential blocks and neighborhoods.”
  - ii. Land Use Element - LU-2 (page 47): “Continue to amend subdivision regulations to promote land development patterns that minimize site disturbance, minimize visual impacts, and retain rural features and community character.”
- g. Based on the above cited Comprehensive Plan policies, with consideration of the visual mitigation elements (bushes) noted herein, staff finds that the proposed application is consistent with the intent of the Comprehensive Plan with regard to minimizing visual impacts in residential neighborhoods.

#### **RECOMMENDATION ON SETBACKS ON PARCEL A:**

Due to the finding that the application is consistent with the Cranston Comprehensive Plan, and due to the finding that the applicant is providing a mitigation element (bushes) to reduce visual impacts and maintain the aesthetic character of the neighborhood, staff recommends the Plan Commission forward a **positive recommendation** to the Zoning Board of Review. Staff further recommends that the Plan Commission consider including a condition as part of its recommendation that the existing bushes (or equivalent replacement) be maintained for the life of the swimming pool.

#### **RECOMMENDATION ON FRONTAGE ON PARCEL B:**

Due to the finding that the application is consistent with the Cranston Comprehensive Plan, and due to the finding that the proposal will not detract from the character of the neighborhood, and due to the finding that the substandard frontage is anticipated to be a temporary condition until a public right-of-way is formally proposed, staff recommends the Plan Commission forward a **positive recommendation** to the Zoning Board of Review.